



# COMMENTARY

**ON THE REALIZATION OF THE RIGHT TO EDUCATION  
IN THE REPUBLIC OF MACEDONIA  
WITH A SPECIAL REFERENCE TO THE EDUCATION OF ROMANI CHILDREN**

Skopje, July 2009

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## INTRODUCTION

The aim of this Commentary is to provide an independent view on the implementation of the provisions of the Convention on the Rights of the Child that pertain to the education of children in the Republic of Macedonia, with a special emphasis on the educational situation of Romani children and issues affecting their enjoyment of the rights relating to education.

This commentary will highlight some of the shortcomings of the statements in regard to rights to, in and through education made in the Second Periodic Report of the Republic of Macedonia (RM), dated June 2007. Firstly, the content in the Report takes the form of an overview of the Macedonian education system, offering no analysis and very little data. In addition, few comments are made on the situation of the most vulnerable population groups and the issues that affect them in particular. The majority of statements in the Report are formulated in the future tense, indicating the intentions or plans of the Government, i.e. the Ministry of Education and Science, and in doing so, fail to provide any reference to possible timeframes or indicators, i.e. benchmarks which will be used to assess fulfilment of the intentions. In other words, the report is a description of the system and not an assessment of the progress of the country towards full realization of the rights of the child in education. In this sense, the education part of the report makes no reference whatsoever to the concluding observations and recommendations of the Committee made on the Initial Report of the RM.

For this purpose, while elaborating the right to education from the aspect of general principles; civil rights and freedoms; basic health and welfare; education, leisure and cultural activities; children from minorities; and special protection measures, this Commentary will refer to: a) the Concluding Observations of the Committee on the Rights of the Child (CO) on the initial report of the RM (CRC/C/15/Add.118, 23/02/2000), b) the Second Periodic Report submitted by the state, c) the national regulatory framework, and d) various studies, reports, assessment and analyses prepared by, primarily, the Office of the Ombudsman, international organizations, using official data originating from national institutions, primarily the State Statistical Office, thus giving the Commentary the necessary objectivity. Whilst many pertinent issues have been raised by the NGO community and the direct participants in the process, little objective, relevant and reliable data or confirmation exist to substantiate the claims of violation of the rights in the process of education. Although they, hence, remain in the domain of unsubstantiated allegations, we view it as a significant contribution of the Commentary to see that these concerns are named and brought to the table in the hope that, with international encouragement, they may receive in-depth investigation in the near future.

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## CONCLUSIONS AND RECOMMENDATIONS

### **GENERAL PRINCIPLES - THE RIGHT TO HAVE VIEWS HEARD AND GIVEN DUE WEIGHT: ARTICLE 12**

There is clear indication that the right to have views heard has been neglected in the matters of education. The legal framework sees the parent as the sole representative of the views of the child and limits the participation of the child on her/his own. We anticipate that the Committee will consider this issue and recommend the Government to build opportunities for children to express their views within the educational process. It is of high importance that this participation takes place on all levels, from the basic level of creating a participatory learning environment in the classroom, to participation of children in the school decision-making processes through student fora and representation in school boards, up to consulting children in the creation of educational policies on local and national level.

### **CIVIL RIGHTS AND FREEDOMS – CORPORAL PUNISHMENT (ARTICLE 19; ARTICLE 28 PARA. 2)**

It is unknown which, if any, follow-up measures to the Concluding Observations have been undertaken regarding corporal punishment of children. The fact that any reference to the issue and to possible measures undertaken to remedy the situation is completely absent from the Second Periodic Report, may be taken as an indication that nothing or at best not much has been done in the reporting period.

While the analysed reports clearly point to the existence of physical, psychological and sexual abuse in primary schools, the legal framework does not provide for effective measures for dealing with this situation. The notion of corporal and psychological abuse/maltreatment on its own is vague and none of the laws define in detail what could constitute corporal and psychological abuse/mistreatment. The Laws are not synchronized and do not set clear guidelines regarding fines for teachers and schools, as well as for firing and future employment possibilities of a teacher responsible for psychological and physical maltreatment.

Therefore, we strongly advise the Committee to urge the Government to set clear and strong measures for perpetrators of physical, psychological and sexual abuse and to develop effective mechanisms for monitoring the abuse of children in schools.

### **BASIC HEALTH AND WELFARE - CHILDREN WITH DISABILITIES (ARTICLE 23)**

All of the reports show sufficient indication that the rights to education of children with disabilities are not fully met as well as impose the question on the fair placement of Romani children in special school. This should be ample motivation for the Committee to take the issues up and strongly suggest to the Government the undertaking of serious action towards a) setting up mechanisms for monitoring and reporting of the education of children with disabilities, b) improving the policies and especially practices of enrolment in and access to primary and secondary education for all children with disabilities commensurate to their potentials, c) ensuring that

inclusion is practiced on as wide as scale as possible, with the schools meeting all additional architectural and staffing requirements, and d) ensuring that children from ethnic minorities are not unnecessarily placed in special schools for children with disabilities.

**THE RIGHT TO EDUCATION: ARTICLE 28 (ALSO ADDRESSING THE PRINCIPLES OF NON-DISCRIMINATION  
– ARTICLE 2 AND BEST INTEREST – ARTICLE 3)**

The lack of officially owned data on the enrolment, retention and progression of Romani children that would form the basis for coordinated action has been filled with data collected as part of and interpreted for the purpose of the numerous reports addressing this issue. Had this not been the case, we would not be aware of the level of vulnerability of Romani children as regards their primary and secondary education. We urge the Committee to encourage the State to commit to taking serious and immediate action towards establishing a proper monitoring system and ensuring that Romani children have all necessary support systems at hand to reach the parameters of the other ethnic groups.

Whilst in many cases there are notable improvements in the participation rates of girls in primary and secondary education, there are still areas of great concern among the ethnic groups in terms of education of girls; hence efforts must be made to both maintain the trend of improvement, where there is one, and to provide additional stimulus to groups where this is not the case, in order to ensure that the participation rates of girls in education are brought to the level commensurate to their demographic participation.

Little improvement has been achieved, or for that matter maybe even attempted, in the quality and relevance of the education offered to Romani children. Under-resourcing of schools, rigidity of curricula and lower standards of education persist in every aspect of education of Romani children.

**THE AIM OF EDUCATION: ARTICLE 29**

All of the international tests (PISA, TIMSS and PIRLS) results indicate poor performance of Macedonia's students and should have been taken seriously in the planning for quality improvements, but there is no reflection of these significant findings neither in the national policy documents nor in the Second Periodic Report. We recommend the Committee to raise the question on the future participation of the Republic of Macedonia in international tests such as PISA, TIMSS and PIRLS.

Although there is some movement in regards of including human rights education in the official curriculum, the reality shows these changes lack supporting measures such as in-service and pre-service trainings for the teachers. Also, the human rights education is viewed mostly from the aspect of primary education. This is why we believe the Committee should recommend the state to introduce human rights education to all levels of education, starting from preschool, and to reinforce the curricular reform with appropriate teacher trainings.



**CHILDREN FROM MINORITIES OR OF INDIGENOUS GROUPS: ARTICLE 30 (ALSO ADDRESSING QUALITY OF EDUCATION  
- DEVELOPMENT OF RESPECT FOR PARENTS AND OWN CULTURAL IDENTITY: ARTICLE 29)**

Little improvement has been achieved regarding education of children from minorities. The reforms and projects undertaken by the Government in this area appear to be hectic and sometimes with a more negative than positive impact. Instead of promotion of intercultural understanding, project such as the confessional education that tend to increase the differences are endorsed.

We anticipate that the Committee will consider this issue and recommend the Government to devise a clear strategy for the development of the education of minorities that will ensure the ability of each minority group to learn about their culture and their mother language.

**SPECIAL PROTECTION MEASURES - CHILD LABOUR/COMMERCIAL EXPLOITATION: ARTICLE 32**

With this shortage of data and/or scarcity of analyses that link the education system and the issue of child labour, we believe that the government should be reminded of its duty to ensure that all children attend primary and secondary school, but also of the obligation for the education system itself to design and implement specific measures to ensure monitoring of children out of school, the majority of whom are Roma. The issue of child labour as one of the major deterrents to education for Roma children deserves special attention in the Government's attempts to ensure that these obligations are met.

## 1. General Principles - The Right to Have Views Heard and Given Due Weight: Article 12

In the light of article 12 of the Convention and recognizing the progress made by the State party in respecting the right of children to have their views heard through the children's parliament and in schools, the Committee recommends that the State party continue to take all appropriate measures to ensure that children are provided with appropriate opportunities to express their views and that these are given due weight, in accordance with the provisions of the Convention. (CRC/C/15/Add.118, para. 20)

### STATE REPORT

The *Second Periodic Report* makes no reference to this issue from the perspective of the role of the education system in ensuring this right. In the part on Freedom of Association<sup>1</sup>, the Report gives information on a Board of children established by the Ombudsman and UNICEF in 2004 with the purpose to hear the opinion of children and to give them the opportunity to participate with their proposals and views on the schools.

### NATIONAL REGULATORY FRAMEWORK

The legal framework does not provide for a way for the child to directly express his/her opinions regarding the education. The only opportunity for a child to express an opinion is given in the *Law on secondary education*<sup>2</sup> according to which, unlike in primary school, the child can file a complaint if not satisfied with the grades at the end of the school year. In primary education only the parent is entitled to complain on the grades<sup>3</sup>.

The laws view the participation of children in school life through their parents. Thus, the Law on *Primary Education*<sup>4</sup> provides for a Parents' Council as a school body, with three representatives of this council included in the school board which is the managing body of the school. There are organized forms of student activity called student communities that function in the schools, but they are regulated through the school articles of association and do not present a legal basis for their involvement in important decisions concerning their education. Students are not represented on the school board directly but through their parents, and are only present in meetings of the teachers' councils. This presence is only formal, since they have no right to intervene in respect to their own grades. The law provides that the parent is the one submitting a complaint if he/she is not satisfied with the grade of the child<sup>5</sup>. In the case where the parent is satisfied or not interested in the grades of the child, there is no mechanism for the child to complain on its own.

<sup>1</sup> Second Periodic Report of the Republic of Macedonia on the Convention on the Rights of the Child, Republic of Macedonia (2007), Ministry of Foreign Affairs, Skopje, p.12

<sup>2</sup> Article 58, Official Gazette of the RM No. 52/2002

<sup>3</sup> Article 72(2), Official Gazette of the RM No. 52/2002.

<sup>4</sup> Article 116, Official Gazette of the RM No. 52/2002; Articles 124 and 145, Official Gazette of the RM No. 103/2008

<sup>5</sup> Article 65 of the Law on Primary Education, Official Gazette of the RM No. 52/02; Article 72(2), Official Gazette of the RM No. 103/2008

To make matters worse, with the new *Law on Primary Education*<sup>6</sup>, the representation of the parents in the school bodies is limited to one representative from the class, further restricting the opportunities for positive affirmation of parents of minority groups and their percentage-wise representation in the school bodies. This will have a highly negative impact on the participation of Romani parents, as it was already very small even previously when the Law did not limit the number of representatives.

### DOCUMENT ANALYSIS FINDINGS

- The *Report of the Ombudsman on the Implementation of the Convention on Child Rights and its Protocols*<sup>7</sup>, confirms that the Macedonian legal framework only provides children the opportunity to express their views on following matters: contesting parenthood for children over 16; on employment for children over 15; change of name; obtaining of ID card and passport; involvement in religious activities and adoption for children over 10; and in criminal proceedings for children over 16 years of age.

- In the *Ombudsman's Annual Report for 2005* there is also a remark<sup>8</sup> that the students claim that they are rarely given the opportunity to express their opinions in school and that their opinion is even less respected. The Ombudsman considers that not respecting this principle creates preconditions for abuse and discrimination of children and marginalisation of their best interest.

The same annual report gives information about the Children's Board mentioned in the state report. According to the Ombudsman the Board came up with suggestions for improving the situation of the children in the country, which were then shared with the Ministry of Education and Science and the Government of the Republic of Macedonia<sup>9</sup>. However, no information on a follow-up or actions undertaken by the Ministry or the Government has been evidenced as a result. Information on the work of the Children's Board after 2005 is also scarce.

<sup>6</sup> Article 145, Official Gazette of the RM No. 103/08

<sup>7</sup> Ombudsman of the Republic of Macedonia, Report on the Implementation of the Convention on the Rights of the Child and its Protocols 2000-2005, Skopje, 2007, p.10

<sup>8</sup> Ombudsman of the Republic of Macedonia, Annual report for 2005, Skopje, 2006, p. 59

<sup>9</sup> Ibid, p.61

### CONCLUSIONS AND RECOMMENDATIONS

**There is clear indication that the right to have views heard has been neglected in the matters of education. The legal framework sees the parent as the sole representative of the views of the child and limits the participation of the child on her/his own. We anticipate that the Committee will consider this issue and recommend the Government to build opportunities for children to express their views within the educational process. It is of high importance that this participation takes place on all levels, from the basic level of creating a participatory learning environment in the classroom, to participation of children in the school decision-making processes through student fora and representation in school boards, up to consulting children in the creation of educational policies on local and national level.**

## 2. Civil Rights and Freedoms – Corporal Punishment: Article 19; Article 28 para. 2

The Committee urges the State party to continue its efforts to end corporal punishment practices in schools, to monitor and record the use of corporal punishment against children in all contexts, and to make every effort to prevent the practice of corporal punishment including through its prohibition by law. The Committee further encourages the State party to undertake campaigns to raise the awareness of parents, in particular, of the harmful effects of corporal punishment. (CRC/C/15/Add.118, para. 24)

### STATE REPORT

The *Second Periodic Report* makes no reference to the issue of corporal punishment in schools.

### NATIONAL REGULATORY FRAMEWORK

Psychological and physical abuse, punishment or any other inhuman treatment of children is forbidden with the *Law on Protection of Children*<sup>10</sup> and fines are prescribed for any person violating this law. *The Law on Primary Education*<sup>11</sup> bans corporal and psychological abuse of students and the *Law and Secondary Education*<sup>12</sup> prohibits corporal punishment and psychological abuse.

*The Law on Primary Education*<sup>13</sup> foresees fines for the school and the responsible teacher for maltreatment of students and the *Law on Secondary Education*<sup>14</sup> foresees only a fine for the responsible teacher leaving out the responsibility of the school since there is no provision on a fine for the school in case of maltreatment of students.

The notion of corporal and psychological abuse/maltreatment on its own is vague and none of the laws define in detail what could constitute corporal and psychological abuse/mistreatment. *The Law on Child Protection*<sup>15</sup> provides a somewhat broader definition than the education laws, but it is still not sufficiently detailed and clear. None of the laws provide for any other penalties except for fines. Pursuant to Article 96 of the *Law on Primary Education*<sup>16</sup> and Article 81 of the *Law on Secondary Education*<sup>17</sup> a teacher can be fired in case of unsatisfactory results in the realization of the educational and rearing process. It does not provide for any other reasons such as abuse or maltreatment of children, or for the case of a criminal record of the teacher.

There is a possibility for firing a teacher for psychological and physical maltreatment, as well as sexual abuse of students provided for in the *Law on Educational Inspectorate*<sup>18</sup>. However this provision is not strengthened with related provisions in the laws on primary and secondary education. This provision only gives room for removal of a teacher from his/her current job. It does not give any information about whether that teacher will be able to pursue employment as a teacher in the future.

<sup>10</sup> Article 9, Official Gazette of the RM No. 98/2000

<sup>11</sup> Article 67, Official Gazette of the RM No. 52/2002; Article 53, Official Gazette of the RM No. 103/2008

<sup>12</sup> Article 62, Official Gazette of the RM No. 52/2002

<sup>13</sup> Article 126, Official Gazette of the RM No. 52/2002; Article 172, Official Gazette of the RM No. 103/2008

<sup>14</sup> Article 118, Official Gazette of the RM No. 52/2002

<sup>15</sup> Law on Secondary Education, Official Gazette of the RM No. 98/2000; Changes and Amendments to the Law, Official Gazette of the RM No. 113/2005

<sup>16</sup> Official Gazette of the RM No. 103/2008

<sup>17</sup> Official Gazette of the RM No. 52/2002

<sup>18</sup> Article 27, Official Gazette of the RM No. 52/2005

## DOCUMENT ANALYSIS FINDINGS

Few reports and studies focus on the issue of corporal punishment practices in schools.

- The *Multiple Indicator Cluster Survey 2005-2006 (MICS)*<sup>19</sup> refers only to the way discipline is maintained in the home and the tendency of disciplining children through different types and frequency of corporal punishment by parents/caregivers.

- The Office of the Ombudsman in the *Report on the Implementation of the Convention on the Rights of the Child*<sup>20</sup> concludes “that measures are rarely undertaken against teachers who resort to physical or psychological abuse of children, that they most often receive mild sentences or are only fined, are rarely suspended from work and indictments are raised against them in even fewer cases...”<sup>21</sup>. Further, quoting the Children’s Board, the Report of the Ombudsman on p. 4<sup>22</sup>, points out to the fact that the children themselves stress the need for a legal definition of physical and psychological abuse/maltreatment, as well as for stricter penalties for teachers practicing such methods, indicating that such sanctions would act not only repressive but also preventive towards decreasing the incidence of violence against children. As a special measure, a ban on teaching was also suggested for teachers deploying psychological and physical maltreatment.

- The most comprehensive and reliable addressing of the issue can be found in the *Special Report on the Responses from Children on the Questionnaire on Physical, Psychological and Sexual Abuse in Schools (2007)*, also prepared by the Office of the Ombudsman. The Special Report points out that children perceive that physical and psychological abuse in schools is not only present, but is also increasing; in some cases, sexual abuse of children also exists.

The Special Report draws its conclusions on a sample of 4449 students from grades 5 - 8 (ages 11-14) in 86 primary schools. In regard to physical abuse, 28,41% confirmed its existence in school but indicated it is not frequent and resorted to by some teachers only (see **Table 1**). The children were also able to distinguish types of abuse, with the slap on the face being the dominant form with 25,56% (see **Table 2**).

In addition, 32.46 % of the students reported the existence of psychological abuse rarely and by a small number of teachers, and 5% reported frequent psychological abuse in schools (see **Table 3**).

For the purpose of receiving protection from further violence, students sought help primarily in the school (25.31% of the interviewees) with only 1.91% referring to the inspection services. Unfortunately 20.34% of the interviewees stated that no action has been undertaken and that either no teacher was penalized or that the punishment was inappropriate; 7.24% stated that the student was punished instead.

<sup>19</sup> Multiple Indicator Cluster Survey 2005-2006, Republic of Macedonia, State Statistical Office, 2007, p.106

<sup>20</sup> Ombudsman of the Republic of Macedonia, Report on the Implementation of the Convention on the Rights of the Child and its Protocols 2000-2005, Skopje, 2007

<sup>21</sup> Ibid, p.18

<sup>22</sup> Ibid, p.22

What is more concerning is the recognition that children are still reluctant to speak of these occurrences, among other things also due to the fact that 13.26% do not know how or where to report abuse and additional 18.30% are afraid to report it.

In respect to sexual abuse, 12.34% of children stated that teachers use vulgar language, 5.17% stated that they have been sexually molested by a teacher touching them improperly, 4.09% stated that they have been forced to fulfil certain indecent wishes of teachers and 4.32% stated that a teacher has tricked them into certain sexual activities. It is alarming that only 5.78% have reported the abuse in the home or in school with no results, 6.09% have reported the abuse and the teacher was punished and improved his/her (not clear from the report) behaviour, with 13.10% being either afraid or ashamed to report the incident.

The Special Report contains suggestions and recommendations to the competent institutions for addressing this issue, focusing on a) providing information to children in their rights, b) reviewing the national legislation in respect to abuse in schools, c) defining specific protective and punitive measures, d) more frequent controls in schools, and e) teacher training on the issue of child rights. The Office of the Ombudsman has on several occasions submitted this and similar reports to the Ministry of Education and Science and the Government<sup>23</sup>.

<sup>23</sup> In 2004 to the MoES, in 2005 to the Government and in 2007 to the Government and the MoES

## CONCLUSIONS AND RECOMMENDATIONS

**It is unknown which, if any, follow-up measures to the Concluding Observations have been undertaken regarding corporal punishment of children. The fact that any reference to the issue and to possible measures undertaken to remedy the situation is completely absent from the Second Periodic Report, may be taken as an indication that nothing or at best not much has been done in the reporting period.**

**While the analysed reports clearly point to the existence of physical, psychological and sexual abuse in primary schools, the legal framework does not provide for effective measures for dealing with this situation. The notion of corporal and psychological abuse/maltreatment on its own is vague and none of the laws define in detail what could constitute corporal and psychological abuse/mistreatment. The Laws are not synchronized and do not set clear guidelines regarding fines for teachers and schools, as well as for firing and future employment possibilities of a teacher responsible for psychological and physical maltreatment.**

**Therefore, we strongly advise the Committee to urge the Government to set clear and strong measures for perpetrators of physical, psychological and sexual abuse and to develop effective mechanisms for monitoring the abuse of children in schools.**

### 3. Basic Health and Welfare - Children with Disabilities: Article 23

In the light of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and the Committee's recommendations adopted at its Day of General Discussion on the Rights of Children with Disabilities (CRC/C/69), the Committee recommends that the State party make further efforts to integrate children with disabilities into educational and recreational programmes currently used by children without disabilities. With particular reference to article 23 of the Convention, the Committee further recommends that the State party continue with its programmes to improve the physical access of children with disabilities to public service buildings, including schools, review the facilities and assistance available to children with disabilities and in need of special services, and improve these services in accordance with the provisions and spirit of the Convention. (CRC/C/15/Add.118, para. 34)

#### STATE REPORT

The *Second Periodic Report* makes reference on page 62 to the placement of children with disabilities in special education programs and to the number of children thus placed. In addition, a statement is made on the need to implement inclusion principles and conduct professional, personnel, and technical preparation of schools to accept children with special educational needs in parallel to continuation of the work of special schools for care and education of children with severe impediments. The structure of the report, with education of children with disabilities being addressed in the part dealing with education, with no mention of education in the response to article 23, points to the fact that integration of services and focus on quality education and socialisation is still lacking.

The *Second Periodic Report of the Republic of Macedonia* states on page 65 that "... there are special schools where elementary education is provided **mainly** for children with special needs" leaving the door open for the possibility that children without disabilities/special educational needs are placed in special schools.

#### NATIONAL REGULATORY FRAMEWORK

Macedonian laws allow the inclusion of children with special needs in primary and secondary education. *The Law on Primary Education* states that primary education for children with special needs is organized in separate classes or separate primary schools<sup>24</sup>.

<sup>24</sup> Article 5, Law on Primary Education, Official Gazette No. 52/2002; Article 10(3), Law on Primary Education Official Gazette No. 103/2008



<sup>25</sup> Article 26, Law on Primary Education, Official Gazette No. 52/2002; Article 30, Law on Primary Education Official Gazette No. 103/2008

<sup>26</sup> Article 43, Official Gazette No. 52/2002

<sup>27</sup> Article 50, Law on Secondary Education, Official Gazette No. 52/2002

<sup>28</sup> Ombudsman of the Republic of Macedonia, Report on the Implementation of the Convention on the Rights of the Child and its Protocols 2000-2005, Skopje, 2007, pp.19-20

Their education is realized according to specific syllabi and curricula<sup>25</sup>. The *Law on Secondary Education*<sup>26</sup> provides that secondary education can be realized through plans and programs for: general education, vocational education, art education and education for children with special needs. The secondary education for children with special needs is conducted according to specialized programs for suitable vocations and provision of basic vocational skills<sup>27</sup>.

However, the laws on primary and secondary education do not address the infrastructural and architectural barriers, nor the pedagogical and didactic approaches and methods.

### DOCUMENT ANALYSIS FINDINGS

● The Ombudsman in his *Report on the Implementation of the of the Convention on the Rights of the Child (2007)* states<sup>28</sup> that in order to achieve successful inclusion of the children with special needs there is a need for:

- incorporating suitably adapted educational process, and organizational, technical and staff modernization of the primary schools;
- publishing textbooks for children with special needs according to the development disability;
- changes in secondary education so that the vocational education offered to children with special needs should match the needs of the labour market;
- improvement of the town-planning and traffic solutions for easier access of children with special needs to educational facilities;
- prioritising enrolment of children with disabilities in higher education through waiving participation fees and through adaptation of the teaching processes to this category of persons.

● The *Special Report of the Ombudsman on Educational Inclusion of Children with Special Needs* (October 2006) makes reference to the regulatory framework guiding access to education for children with disabilities, but stresses the numerous problems they face in enacting these provision. It was significant that out of 226 school from which information had been requested, less than 160 responded, 140 of them stating that they have in the mainstream classes included children with disabilities, primarily with mild physical or mental disabilities, but also highlighting the lack of continuity of assistance which in many cases results in the children not completing their education in the respective school, but rather only spending some years there. Part of these children drops out completely and part is referred to or opts to continue their education in special schools. The most frequently cited reasons for leaving mainstream schools: negative attitudes by parents of other children and by teachers, lack of supportive conditions for continuation of education, worsening of the child's condition, etc. Only few schools regard inclusion as having a positive impact on the child, and even when so, only in the area of social development and acquisition of habits. In regard to learning progress, half of the schools maintain that no satisfactory achievements are being made. It is concerning to read that one quarter of the schools believe that the children with disabilities are an



obstacle to the regular progress and learning of the other children. Out of the 140 respondent schools, 125 stated that their staff is poorly prepared and trained to work with “this category of children”. In addition, 90% of schools lack presence of trained “defectologists” (special staff trained in defectology and not in special needs education). Schools also lack technical equipment, appropriate learning contents and textbooks. There is no possibility for individual work and teaching methods are not at all conducive to the learning and development of children with disabilities, with assessment being equally inappropriate. Hence children are characterized as not benefiting from the inclusion processes, as often aggressive and impeding the education of other children.

- A proposal for a new law establishing an Ombudsman for persons with special needs was prepared in July 2008 by the Ministry of Justice<sup>29</sup>; however it has still not been enacted.

- The OECD 2006 publication *Education Policies for Students at Risk and those with Disabilities in South Eastern Europe – Students with Disabilities* presents an overview of the educational provision for children with disabilities. Among other issues, it refers to practice of mainstreaming children with disabilities promoted on a project basis; it highlights the difficulties faced in the process, such as “... there is very seldom assistance available for special needs children in mainstream schools”, and “... statistics do not exist for all children with special education needs included in mainstream classes within mainstream schools” (p. 157 and p. 161). Hence it is difficult to assess both the numbers of children with disabilities in the education system (other than those educated in the special schools) and also the progress the country is making in this regard.

<sup>29</sup>Proposal for Adopting a Law on Ombudsman for Persons with Special Needs through a Draft Law  
[www.pravda.gov.mk/documents/zakprovobran.pdf](http://www.pravda.gov.mk/documents/zakprovobran.pdf)

### **ROMANI CHILDREN**

The issue of the education of children with disabilities is a concerning one for the majority groups, but becomes alarming in respect to Romani children, being the primary concern of this Commentary. It has long been debated in the country that Romani children are both more susceptible to being declared or deemed disabled, but also that they are more frequently referred to special schools with or without regard to any specific disability they may or may not have for reasons having nothing to do with education. There are no direct data confirming or refuting these assertions, and we will present some arguments in favour of the claim that education of children with special educational needs and the education of Roma need to receive high attention by the Committee.

- The *National Strategy for Roma*, coordinated by the Ministry of Labour and Social Policy shyly states on pp. 41-2, that there is occurrence of enrolment of Romani children in schools “...for children with light mental handicap, for them to more easily finish school and get employment. Nevertheless, it is not a massive trend.”

● *Roma Activists Assess the Progress of the Decade of Roma Inclusion 2005–2006, Decade Watch (2007)*, citing information from the Roma Education Fund, points out on p. 98 to the fact that “school readiness tests are not culturally sensitive, and many Romani children who are unfamiliar with the context for formal education are directed towards special schools as a result of such tests.”

● The *Multiple Indicator Cluster Survey 2005–2006 (MICS)* draws conclusions on the internal disproportion of the percentages of children likely to be suffering some type of disability, according to the statement of the mother within certain population groups. It draws a conclusion on p.54 that the percentage of children with disability is higher in the poorest quintile (12%) compared to the 8% of the richest quintile of the children whose mothers were included in the survey. In addition Romani children are more likely to have at least one reported disability. The discrepancies between Macedonian, Albanian and Romani children are shown in **Table 4**.

● The OSI 2007 *Equal Access to Quality Education for Roma - Macedonia Monitoring Report (EUMAP)*<sup>30</sup>, point to the fact that “... according to non-governmental sources, the segregation of Roma children in special schools for children with intellectual disabilities is an increasing problem”. It goes on to state that unofficial data indicate that in comparison with children from other ethnic groups, “...Roma children are disproportionately more represented in schools and classes for children with learning disabilities. Unofficial school data show a high presence of Roma students in special primary schools, special classrooms within mainstream schools, and institutes for education and rehabilitation; citing the Swiss Agency for Development and Cooperation - SDC<sup>31</sup>. According to the *REF Country Assessment*<sup>32</sup> (p. 27), “Almost 30 per cent of students in special primary schools, special classrooms within regular schools, and the institutes for education and rehabilitation are Roma. The proportion of Roma in special schooling goes far beyond the percentage of Roma in the overall population in the country, a situation that indicates a serious bias in the enrolment procedure, and in the distribution of social benefits and aid to families.” The Monitoring Report (presenting the system of categorization – i.e. statement of needs) goes on to state that the majority of children experiencing learning disabilities “... tend to stay at home, while those children who are enrolled in special schools often do not have any real disabilities; the system has been criticized as flawed and particularly detrimental for the Roma minority”. Citing again the REF Assessment, the report states on page 225 that “... Roma children may enrol into special schools without categorization, and without any carried out tests in the special school or in the special classes within the regular schools.”

● The *Country Assessment and the Roma Education Fund's Strategic Directions Advancing Education of Roma in Macedonia (2007)*<sup>33</sup> also make reference on p. 11 to the issue of the still present segregation of children into special schools and special classes. It repeats the statements made in the EUMAP Report (see above) on the disproportionate representation of Roma in schools and classes for

<sup>30</sup> Equal Access to Quality Education For Roma, Macedonia, Vol. 2: Croatia, Republic of Macedonia, Montenegro, Slovakia, Open Society Institute, EU Monitoring and Advocacy Program (EUMAP), Education Support Program, Roma Participation Program, 2007, pp. 199-200

<sup>31</sup> Education Fund for Roma project overview, available at <http://www.sdc.admin.ch/index.php?navID=65552&langID=1&>

<sup>32</sup> Roma Education Fund, Advancing Education of Roma in Macedonia - Country Assessment and the Roma Education Fund's Strategic Directions, Budapest, 2007

<sup>33</sup> Ibid.

children with learning disabilities. It further expresses the concern that with the new decentralization law, the responsibility for categorization of children with disabilities (standard procedure used to ascertain the level and type of disability which in turn sets out the child allowance, health protection and school placement) is to be transferred from the national institution mandated with this task (Mental Health Institute for Children) to the municipal level, where there is a lack of professionals and familiarity with the procedures (the quality, appropriateness and child-centeredness of the procedure is another matter). This transfer could adversely affect both the country's orientation towards inclusive practices and the situation of the most vulnerable groups.

### CONCLUSIONS AND RECOMMENDATIONS

All of the reports show sufficient indication that the rights to education of children with disabilities are not fully met as well as impose the question on the fair placement of Romani children in special school. This should be ample motivation for the Committee to take the issues up and strongly suggest to the Government the undertaking of serious action towards a) setting up mechanisms for monitoring and reporting of the education of children with disabilities, b) improving the policies and especially practices of enrolment in and access to primary and secondary education for all children with disabilities commensurate to their potentials, c) ensuring that inclusion is practiced on as wide as scale as possible, with the schools meeting all additional architectural and staffing requirements, and d) ensuring that children from ethnic minorities are not unnecessarily placed in special schools for children with disabilities.

## 4. Education, Leisure and Cultural Activities

The Committee recommends that the State party pursue its efforts to increase the enrolment levels of all children from minorities in primary and secondary schools, with special attention to girls in general and children from the Roma minority in particular. (CRC/C/15/Add.118, para. 43)

With reference to articles 2 and 28 of the Convention on the Rights of the Child, and with a view to ensuring an equal standard of educational services in all schools, to encouraging increased enrolment, to discouraging children from dropping out and to increasing the numbers of children from minorities who follow higher education, the Committee recommends that the State party review the allocation of financial and other resources to all primary and secondary schools, with particular attention to raising the quality of education in minority language schools. The Committee recommends, in addition, that the State party consider increasing the numbers of hours of teaching of the Macedonian language in minority language schools, on a voluntary basis, with a view to ensuring that children who are minority language speakers are able to participate on a more equal level with Macedonian-speaking children at higher education levels at which entrance examinations and teaching are conducted primarily in the Macedonian language. The Committee suggests further that the curricula in all schools should include a greater focus on the personal development and vocational training of students and on inter-ethnic tolerance. The Committee recommends that the State party seek technical assistance from UNICEF in this regard. (CRC/C/15/Add.118, para. 45)

### 4.1. The Right to Education: Article 28 (also addressing the principles of non-discrimination – Article 2 and best interest – Article 3)

#### 4.1.1. Access, enrolment and drop-out

##### STATE REPORT

In its *Second Periodic Report*, in addition to presenting the goals of the respective educational tiers, their structure and the intentions and plans of the state, as laid down in official documents, the State provides some data on numbers of children, classes and schools, and on enrolment, drop-out and in the case of secondary education attrition rates. However, the data are general without disaggregation

according to gender or ethnicity. Roma are mentioned as the group with the largest drop-out rate (p. 60 - primary education and p. 67 – secondary education).

In regard to the Concluding Observation of the Committee which further encourage the improvement of the curricula at all levels in order for them to devote time to "...the personal development and vocational training of students and to inter-ethnic tolerance", the Second Periodic Report makes a one-line reference to this issue, stating that "Projects of multi-ethnic character in accordance with the Constitution and the Law on Primary and Secondary Education have also been conducted." (p. 58). As regards personal development, mention is made only in reference to programs implemented "in order to reduce the forms of violence and other improper behaviour including consumption of psychotropic substances in schools... "so as to enable "personal lifestyle development as well as growth..." (p.62) Statements on vocational training are made in the presentation of the structure and objectives of secondary vocational education; however they do not refer to curricula, or to the sense of the recommendation that vocational training should be present in the curricula in all schools.

There have been many contradictory statements and conclusions on the drop-out rates in primary and secondary education. The second periodic report presents an annual drop-out rate of 1.71% in primary education, of 2.84% in secondary education (an additional annual secondary education attrition rate<sup>34</sup> of 0.88% is also presented) with the largest percentage of children leaving education in the transition between primary and secondary education – 16.65%. A particular problem that hampers the monitoring and analysis of enrolment data is the less than satisfactory availability of local and national disaggregation. In the case of Roma, this is exacerbated by other factors such as unregulated citizenship, lack of identity papers of parents, lack of permanent residence, etc.; hence, we arrive at a situation, presented in publications from the Mapping of Socio-economic Disparities among Municipalities in Macedonia UNDP and State Statistical Office Project (2004), where in the Municipality of Shuto Orizari (dominantly populated with Roma) the percentage of children aged 7-14 attending school is 128.5%. Hence, we will look at a number of nationally (by and with the Government) and internationally (independently) prepared reports in the attempt to obtain a fuller picture of the situation with enrolment and attendance of Romani children in (primarily) primary and secondary education.

<sup>34</sup> The term interruption is used to denote attrition in the Report.

### **NATIONAL REGULATORY FRAMEWORK**

The principle of non-discrimination in education is formally guaranteed with the Constitution of the Republic of Macedonia. Article 9 of the Constitution guarantees the equality of all citizens and Article 44 states that everyone has a right to education which is accessible to all under equal conditions.

However, there is no specific law on non-discrimination, which would strengthen the constitutional guarantees through provisions against discrimination. Although a draft *Law on Protection against Discrimination* was prepared in September 2008 (and later revised in November same year) it has still not been finalized and submitted to the Assembly.

The legal framework for primary education foresees a free compulsory education for all children and with the new law in 2008 any discrimination on the basis of sex, race, colour of skin, national, social, political and religious affiliation and financial and social status forbidden. However, the legal framework does not provide for any measures for overcoming the obstacles for achieving accessibility and availability of education for all children.

With the changes in the laws in 2007 and 2008, compulsory education in the Republic of Macedonia is comprised of nine year primary education and secondary education, with no specific information in the law on secondary education (2008) on the duration of secondary school which is compulsory; hence there is confusion about the duration of compulsory education and the age at which it ends.

There are some concerns that the provisions of the *Law on Compulsory Secondary Education* and the wording thereof do not address the situation and the needs of the group of slow learners, repeaters and those children who enrol later or spend considerable time out of education. A system gap exists for all those children that repeat one or several years of primary or secondary education whether they are relieved from the responsibility to complete primary education or enrol into secondary education, because they may reach an age at which there is no responsibility for them to attend school; there is some confusion about the wording and the omission (whether intended or not) of an upper age at which the responsibility for compulsory education ends.

The new *Law on Textbooks*<sup>35</sup> provides for free textbooks for all primary and secondary students as of school year 2009/2010, but the costs of other school materials and supplies are almost equal to the costs of textbooks and are still beyond the possibilities of the families living on or under the poverty line. In addition, the previous definition of parent penalty (fine) for a child not enrolled or not attending school regularly was changed in 2008 to a parent fine for not enabling the child to fulfil the responsibility for compulsory education and upbringing<sup>36</sup>. This could be easily interpreted as a fine for a parent who does not provide the child with the necessary school materials or suitable clothes for school.

<sup>35</sup>Article 6, Official Gazette  
No 98/2008

<sup>36</sup>Article 172 (4), Law on  
Primary Education, Official  
Gazette No. 103/2008

### DOCUMENT ANALYSIS FINDINGS

- Even though the compulsory education should be provided to all children, in order to be enrolled in school, children need to be registered in the Birth Registry. The *Special Report of the Ombudsman on Registration of Children in the Birth Registry (2008)* pointed out to 244 unregistered children - beneficiaries of the Day Care Centre for Street Children in Skopje, as well as additional 51 children reported by NGOs. This report also presents the problems of detection of the exact number of unregistered children in Macedonia and lack of information on this issue. Hence, it is a difficult to determine the gross enrolment rates in the country and very often these numbers account only for the children that are registered.

● Although education is formally free, the related private costs make it a heavy burden on parents, resulting in inequalities and drop-out. On the other hand, the social transfers aimed at providing financial assistance to parents with limited financial resources is discriminatory in nature, as construed by the Ombudsman<sup>37</sup>, and applies only to children that attend school regularly, children of employed parents, beneficiaries of social welfare, former disabled military persons or beneficiaries of disability welfare, farmers or craftsmen<sup>38</sup>. This means that children that do not attend school regularly or whose parents do not have any income are not entitled to child welfare. The Ombudsman further maintains that the restrictions on the highest amount of the welfare stipulated by law negatively affect the families with a higher number of children since they will not receive proportional supplement for each child.

### **ROMANI CHILDREN**

For this Commentary, it is on one hand striking that the alarming results and findings relating to the Roma population do not give rise to specific tailored action, but even more alarmingly, they have not even been considered in the Second Periodic Report which is a relevant highlight to obvious non-compliance with the provisions of the Convention on the Rights of the Child on the part of the Government.

● The *National Strategy for Roma*, coordinated and commissioned by the Ministry of Labour and Social Policy (MLSP), acknowledges the fact that the enrolment and retention of Roma in primary and secondary education is a huge issue and a problem that to a large extent determines the perpetuation of poverty among this group, and cites on p. 41 as the most detrimental factors for the low educational level of Roma, among others, the following<sup>39</sup>:

- large percentage of children are not enrolled in pre-school education;
- child labour is used in the informal economic sector;
- the network of pre-school and school facilities to accept all Roma children has not been sufficiently developed;
- children have insufficient knowledge of the Macedonian language when enrolled in first grade, and as a result they cannot follow the instruction;
- a large number of the enrolled children drop out during the eight year primary school, especially after the fifth grade;
- inflexible attitude of the management and the specialized service in the schools regarding enrolment policies, especially in schools where Roma are a small minority;
- low level of education (illiteracy) of the parents;
- lack of awareness about the importance of education, especially among parents and communities;
- textbooks and other school equipment are too expensive for Roma families;
- low success of the children has a demotivating effect on continuing education;

<sup>37</sup> Ombudsman of the Republic of Macedonia (2007), Report on the Implementation of the Convention on the Rights of the Child and its Protocols 2000-2005, Skopje, p.6

<sup>38</sup> Article 2, Law on Changes and Amendments to the Law on Child Protection, Official Gazette No. 17/2003

<sup>39</sup> Of the extensive list, we have included only those that directly relate to issues raised in this Commentary, and are mostly a direct consequence from inequalities and faults of the education system itself.



- worse teaching conditions in schools where Roma go compared to the others, having a negative impact on the quality of education;
- segregation and discrimination;
- lack of sensitivity of some teachers and specialized services staff to the problems and needs of the Roma children; and
- existence of stereotypes for Roma;

● The most comprehensive view on the general enrolment and drop-out rates can be found in the *Republic of Macedonia Report on the Millennium Development Goals, 2005*, p.31, presented in **Table 5**; this is the only analysis of the vertical progression of one cohort done in the country in the period of reporting. It informs us that, on a national level, only 69% of children enrolled in grade 1 of primary school in 1991/2 completed their secondary education on time in the school-year 2002/3. Regardless of the fact that annual drop-out rate reported in the Second Periodic Report may or may not be comprehensive, viewed in isolation it seems rather insignificant and can be easily dismissed as a serious issue; however, accumulated annually on the same cohort of children, it presents a grim picture of almost one third of children not completing secondary education.

The report also makes reference to the participation rates of girls according to ethnic affiliation; **Table 6** is a summary of the percentage of females in the overall student population completing primary and secondary education. Although the ratio of girls and boys in primary and secondary education shows a relative equality at the national level and corresponds to the demographic structure of the population, disparities appear when vulnerable groups overlap with gender, as is the case with Romani girls. Although the participation rate of Romani girls in primary education has improved in the period between 1997/98 and 2002/03, it has declined in secondary education in the same period.

● In addition, the most recent report on education, *Long Way to Knowledge-Based Society, FOSIM (2009)*, reporting on the performance of Macedonia in reaching the EU benchmarks on education and training (based on the Education and Training 2010 Work Programme) informs us that Macedonia had in 2002 a 32.2% rate of Early School Leavers<sup>40</sup> – most of whom women, with no date for later years (compared to Croatia's 3.9% in 2007). This report further states that whilst Roma enrolment is as high as 90-95%, "... only 45-50% complete primary education"; quoting 2002 Census data, the Report underscores that over 90% of Roma over 15 years of age have either completed only primary education or have not completed it or are still attending primary education; in addition only 9.2% of Roma are reported as having completed secondary education and only 0.3% some form of post-secondary education.

● The *Multiple Indicator Cluster Survey 2005-2006 (MICS)*<sup>41</sup> provides in-depth data on the enrolment, attendance, and completion of primary and secondary education and continuation into secondary education (see **Table 7**)<sup>42</sup>

<sup>40</sup> EUROSTAT indicator for ESL is used: being aged 18-24, having at most an ISCED Level 2, and not being in education or training in the last 4 weeks before data collection

<sup>41</sup>Multiple Indicator Cluster Survey 2005-2006, Republic of Macedonia, State Statistical Office, 2007

<sup>42</sup>It needs to be stated that the data presented in this table was based on a sample of 5250 households, with 350 clusters and 15 households in each cluster, distributed throughout the entire country, in all ethnic groups. Additional subdivisions and stratification was carried out specifically for the Roma population, to increase availability and relevance of data. The data collected was previously not available in the country and should be taken extremely seriously.



According to the data Roma show much worse results in all categories; their enrolment, retention, completion and transition rates are much lower than those of the other groups; especially concerning, although not the most striking, are the low attendance and completion rates in the compulsory education segment, especially the primary school completion rate.

● *Roma Activists Assess the Progress of the Decade of Roma Inclusion 2005–2006, Decade Watch (2007)*, rightly points out to the fact that available data pertains only to children within the system; no information is available on children who have never entered the system or have at some point left it. Meanwhile, mainstream schools often turn down Romani students with the claim that they are oversubscribed. Because there is no per-capita funding scheme in the Macedonian education system, schools have no incentives to keep as many students as they can. As a result, Romani students often end up in the least attractive schools, where non-Romani students are less likely to register or stay (p. 98). Several cases of ethnically segregated schools have been reported (Roma Education Fund). Macedonian law currently does not provide any mechanisms for preventing or punishing such cases of educational segregation.

The Report further points to the need for the education system to be reformed to adequately address the needs of a multi-cultural society. “There is no systematic, mandatory anti-bias training for teachers, and no integration of Roma culture and history in mainstream curricula.” Although some anti-bias training sessions were organized by the Foundation Open Society Institute – Macedonia, no policy emerged as a follow-up. Referring to findings from the Roma Education Fund, the report offers statements regarding curricula, textbooks and quality of instruction: “Where Roma are mentioned in textbooks, they are often represented in a manner that reinforces, rather than combats, negative stereotypes. No Romani language curriculum has been developed, and no language preparation for accessing mainstream schools is available for children whose first language is Romany. Roma teachers are few and far between, so that most Roma students are taught by people who are burdened with prejudice and negative stereotypes.”<sup>43</sup>

● *Country Assessment and the Roma Education Fund’s Strategic Directions Advancing Education of Roma in Macedonia (2007)*, provides a very comprehensive overview of the educational situation of Roma based on official State Statistical Office data and calculations prepared for the study itself (p.31), which points to the extremely difficult situation Romani children face in regard to their education (see **Table 8**).

Although this Report, citing State Statistical Office used in the Report of the Republic of Macedonia on Millennium Goals, 2005, acknowledges some improvements in the enrolment and retention rates among Roma, such as: the increase of the proportion of Roma students among the share of the total number of students completing primary education from 1.15 percent to 2.08 percent in the period between 1997/98 to 2002/03, and the increase of the share of Roma students among all students who completed secondary

<sup>43</sup> Roma Activists Assess the Progress of the Decade of Roma Inclusion 2005–2006, Decade Watch, 2007, p. 98.

in the same period from 0.36 percent to 0.59 percent, is attributes this change largely to demographic trends, stronger campaigns to encourage schooling and NGO activities, concluding on p. 31 that “still, the share of Roma students, especially in secondary education, is significantly lower compared to their overall share in the population.”

The Report further elaborates on the barriers that preclude Romani children from full enjoyment of their right to education, such as:

- lack of birth registration documents and/or residence permits, which allows ill-inclined or overcrowded primary schools to refuse admission<sup>44</sup>,
- lack of proactive outreach detection practices, thus relying on parents’ interest to come to the school and enrol their child,
- current assessment of a child’s school-readiness, conducted in the language of instruction in the school, not always the mother tongue of the child, which requires familiarity with paper and pencil and other mainstream culture-based competencies. Romani children often perform worse in these tests and are encouraged to enrol in special schools or special classes within regular schools.
- the current competitiveness/merit-based practice of enrolment in secondary and tertiary education, establishing grades average from primary and secondary education, respectively, and starting from the school year 2007/8 the Matura examination results as the sole enrolment criteria, which Romani students, given their overall educational experiences and achievements, have difficulties in achieving,
- lack of financial incentives for inclusive education, such as free meals, free textbooks, school supplies, scholarships and additional tutoring and/or mentoring,<sup>45</sup>
- existence of discrimination, as there are no operational and commonly accepted mechanisms for combating discrimination in schools, and as curricula and textbooks do not favour multiculturalism, both of which lead to possible segregation;
- the quality of education for Roma in many cases is substandard, especially in the early stages of education, and Romani children simply progress to the next grade without fulfilling the minimum requirements, causing poor performance in the higher grades, which leads to repetition, drop out, truancy and/or poor achievements.

<sup>44</sup> This is further elaborated with the fact that schools are not funded on a per-capita basis and their income is not dependent on the number of students but the fulfilment of minimum quota required to sustain the existing classes and the employed teachers.

<sup>45</sup> Since the preparation of this report there have been some improvements, such as free textbooks have started to be distributed to social cases in the school-year 2008/9 and scholarships were provided to app. 650 Roma high school students enrolled in first year in the school year 2008/9

● The *Narrative Report Towards Regional Guidelines for the Integration of Roms by the European Centre for Minority Issues (2004)*, draws conclusion on the main factors accounting for the low level of educational attainment of Macedonia’s Romani population:

- *language barrier*: approximately 80% of the Romani population in Macedonia speak Roma as its first language, hence “scholastic achievement is predictably inadequate for Romani children who reach primary school without fluency in the language of instruction”; in addition, as a result of their linguistic disadvantage, many are channelled into educational institutions for children with special needs;
- *poor start-up knowledge*: because existing legislation requires parental permission for children to repeat a year of school, many children reach the fifth year of primary school without necessary knowledge or competences;

- *family*: the direct costs associated with sending children to school (e.g., clothing, books, supplies and transportation), combined with opportunity costs of not sending the children to earn money (child labour or begging), discourage many Roma parents from enrolling and keeping children in school. In addition, awareness of the importance of education in Roma families is low and many Roma children simply cannot acquire basic intellectual skills from their primary role models;
- *gender bias*: in some Roma families any resources available for education are directed to male children at the expense of female children on the grounds that investments in daughters are lost at marriage, when the daughters move into the household of their husband's family;
- *ghettoisation/ethnic isolation*: Roma children in ethnically mixed schools are sometimes isolated from non-Roma children by teachers who place them in the last row of the classroom.

● The OSI 2007 *Equal Access to Quality Education for Roma - Macedonia Monitoring Report (EUMAP)*<sup>46</sup> summarizes available studies and reports and provides a break-down of primary education enrolment data per age, i.e. year of schooling (see **table 9**).

- The findings indicate visibly higher drop-out rates for Roma; they lag well behind the national average and also behind the population living in close proximity to the Roma settlements.
- The rates of Roma enrolment in secondary education are in an even more drastic contrast with the general national average; this further results in an even lower completion rates (see **table 10**).
- Analyzing the rather raw data made available through the *Assessment of the Drop-out of Students in Primary and Secondary Education in the RM*, Unicef, 2003, the EUMAP Report provides an overview of the drop-out/attrition rates per age/year of education for the period 2001/2002 and 2002/2003 (see **table 11**).
- The annual drop-out of Roma is evidently much higher, between three and 25 times higher, than that of the Macedonian children. The report points out the highest drop-out occurring in grade 5, when, as has been suggested in many other reports as well, Roma children are faced with the requirement to demonstrate and apply the knowledge they have acquired in the course of their lower primary education; at this point, the futility of automatic progression practiced up to grade 4 becomes evident as an ill favour to the Roma children who are left to fend for themselves without the required knowledge and skills. Referring to the MoES "Draft Strategy for Development of Education", the *EUMAP Report* points out to assessment practices, being "... among the weakest points of the system..."; together with the legislative provision requiring parental consent for children to repeat a school year, being the main causes for one quarter of Roma children dropping out in one single grade. One of the negative consequences of the lower standards applied to measure their performance is the fact that "...Roma pupils may be receiving a lower quality of instruction than non-Roma pupils".
- Drawing a connection between high drop-out and poor quality of instruction, the Report maintains that schools with a high

<sup>46</sup> Equal Access to Quality Education For Roma, Macedonia, Vol. 2: Croatia, Republic of Macedonia, Montenegro, Slovakia, Open Society Institute, EU Monitoring and Advocacy Program (EUMAP), Education Support Program, Roma Participation Program, 2007

<sup>47</sup>One of the largest schools in the country almost exclusively attended by Roma.

percentage of Roma students often have teachers “without necessary qualifications and, as a result, the quality of education is lower and drop-out is the highest”. Referring to the 2004 European Centre for Minority Issues (ECMI) report (p. 30), the quality of the instruction in the Braka Ramiz i Hamid<sup>47</sup> school is considered to be lower than in schools with a smaller proportion of Roma pupils, as some teachers reportedly “feel degraded if they work in a Romani environment with Romani children”.

A specific issue relevant to the education of Roma is also the “fictitious” enrolment. This issue has never been researched and is touched upon only in project reports, as it is not gladly talked about. In the desire to do good service to the Roma family so that they do not lose social welfare benefits, schools register Romani children without requiring them to regularly attend school. Hence, classes where Roma have been enrolled in September end up with less than average or less than the by law, required minimum number of students. The only reference to fictitious students is made in the *Response to a question posed by a parliamentary representative given by the Government of the Republic of Macedonia* (the Ministry of Education and Science), at the 48-th Session of the Parliament of the Republic of Macedonia, where in response to the question, the issue of fictitious classes was mentioned in the context of classes containing 5, 3 and 2 students.

## Box 1

Extract from the Written Comments of the European Rights Centre and the National Roma Centrum Concerning the Former Yugoslav Republic of Macedonia for Consideration by the United Nations Committee on Economic, Social and Cultural Rights at its 37th Session, 19 September 2006

“... For instance, during the 2005–2006 school-year, school authorities placed five Roma pupils in segregated “Roma-only” classes in the Goce Delchev elementary school in Gostivar, Macedonia (newspaper Vreme, 26 April 2006). Vreme quoted Mr. Reis Jonuzi, the pupils’ teacher, as having stated that the classes were formed because the ethnic Macedonian and Albanian teachers in other classes would not accept the children in their classes. When classes started in September, the class reportedly had fifteen children. However, the 10 ethnic Macedonian children in the class were quickly transferred to other classes. According to Vreme, Mr. Jonuzi believes that if the school had not discriminated against the Roma students, they would also have been transferred to other classes shortly after the beginning of the school year. The article stated that the same situation had occurred in the 2004/2005 school year.”

## 4.1.2. EARLY MARRIAGE

### STATE REPORT

The *Second Periodical Report* makes no reference to the issue of early marriages among Roma (or any other group for that matter) as a reason for non-participation in primary or secondary education.

### NATIONAL REGULATORY FRAMEWORK

Marriage under 18 years of age is by law not possible in the Republic of Macedonia except for cases, as provided with the Family Law<sup>48</sup>, where the competent court can make a decision to allow marriage for a person above 16 that has achieved physical and mental maturity needed to fulfil the rights and duties of marriage, as suggested by a health institution and the Centre for Social Work.

### DOCUMENT ANALYSIS FINDINGS

One of the issues adversely affecting the education of Romani girls is the practice of early marriage. Not gladly talked about and generally kept within the family and community, this issue has nevertheless received some treatment in specific documents.

- The *National Strategy for Roma* (MLSP) mentions "... the frequent underage marriages ..." among other issues, as one of the reasons for the low educational attainment of the Roma children.

- The *Multiple Indicator Cluster Survey 2005-2006* (MICS) states the legal conditions for a minor entering into marriage, as stipulated above. The Survey furthermore provides the percentages of women married at what should be a school age. "At the national level the percentage married before age 15 is just 1 percent, while the percentage married before age 18 is 12 percent. This percentage varies among the women from different ethnic groups." The numbers shown in **Table 12** indicate that the percentage of Roma girls married before age 15 is the highest among the women of the Roma ethnic group - 11 percent or over 20 times higher than the percentage of Macedonian women; similarly, the percentage of Roma girls/young women married before the age of 18 is 49 – almost five times as high as the rate of Macedonian women. Overall, 2 percent of women currently 15-19 years of age are married/in union; the same ratio between Macedonian and Roma women is valid for this groups as well – five times as many Roma girls/young women were married at the time of the survey as Macedonian ones.

- In regard to possible reasons for such an early age at which young girls get married, the *Narrative Report prepared by the European Centre for Minority Issues in 2004*<sup>49</sup>, makes the claim that "Perhaps the primary factor contributing to the discrepancy in educational

<sup>48</sup> Official Gazette No 157/2008, Article 16,

<sup>49</sup> Towards Regional Guidelines for the Integration of Roms, ECMI, 2004

attainment between Romani men and women, however, is the widespread practice of marrying girls off shortly after sexual maturation, usually resulting in the interruption of the bride's education prior to completion of primary school."

## CONCLUSIONS AND RECOMMENDATIONS

The lack of officially owned data on the enrolment, retention and progression of Romani children that would form the basis for coordinated action has been filled with data collected as part of and interpreted for the purpose of the numerous reports addressing this issue. Had this not been the case, we would not be aware of the level of vulnerability of Romani children as regards their primary and secondary education. We urge the Committee to encourage the State to commit to taking serious and immediate action towards establishing a proper monitoring system and ensuring that Romani children have all necessary support systems at hand to reach the parameters of the other ethnic groups.

Whilst in many cases there are notable improvements in the participation rates of girls in primary and secondary education, there are still areas of great concern among the ethnic groups in terms of education of girls; hence efforts must be made to both maintain the trend of improvement, where there is one, and to provide additional stimulus to groups where this is not the case, in order to ensure that the participation rates of girls in education are brought to the level commensurate to their demographic participation.

Little improvement has been achieved, or for that matter maybe even attempted, in the quality and relevance of the education offered to Romani children. Under-resourcing of schools, rigidity of curricula and lower standards of education persist in every aspect of education of Romani children.

## 4.2. The Aims of Education: Article 29

### 4.2.1. Quality of education - development of personality, talents and mental and physical abilities to fullest potential

#### STATE REPORT

The *Second Periodic Report* makes reference to the issue of quality in undertaken activities, such as:

- preparation of standards for textbooks have been prepared (p.64),
  - establishment of new institutional structures aimed at improving and controlling the quality of education (p. 70): the State Examination Centre, the State Educational Inspectorate and the Centre for Vocational Education.
- but primarily in relation to specific plans and intentions, such as those aimed at:
- creating child-friendly schools (p.62),
  - forming of a team of experts that shall build an effective evaluation/grading system of students' achievements (p. 63)
  - redesigning the curriculum, which will result in better quality of education (p. 63),
  - introducing career advancement opportunities for teachers (p. 64),
  - creating and improving the infrastructure, equipment, and ICT connections (p. 65),
  - exerting control over the work of elementary schools from the aspect of implementation of the legal regulations and standards for effective schooling, protection of child rights and the right to education for all by the State Education Inspectorate and the State Examination Centre (p. 65).

#### NATIONAL REGULATORY FRAMEWORK

The legislative framework governing quality and relevance focuses mainly on the goals of the education process and the role of the law and the curriculum in defining and achieving these respective laws. Until 2008, the goals and objectives of the education were regulated with the official curriculum. With the new law on primary education, the main goals of the education are established in the law, and the responsibility for the Concept of Primary Education (which is the basis for the curriculum) is vested with the Minister for Education and Science<sup>50</sup>. Thus, decision-making for the curriculum was further centralised and decentralization of curriculum development (proposed with the National Program for Development of Education 2005-2015, p.117) was prevented. The new *Concept for Nine-year Primary Education*, on p.89, allows schools only 2-3 days (out of approximately 180 school days per year) for locally planned extracurricular activities in the fields of sports, culture, environment protection, design technology and similar, as part of the annual school programme.

<sup>50</sup> Article 25, Law on Primary Education, Official Gazette No. 103/2008



### DOCUMENT ANALYSIS FINDINGS

Very few reports tackle the issue of quality. Substantive insight can be gained only through the review and analysis of national and international external and objective tests. For the purpose of this commentary we will look into three international tests and the first national Matura examination.

#### ● *TIMSS 2003 (Trends in International Mathematics and Science Study)*

The international study involved 200 000 students from 46 countries.

Macedonia's results in this study are a reflection of the achievements in mathematics and science of 4028 Macedonian and Albanian speaking students from grades 8 (final year of compulsory primary education), from 149 primary schools.

In the mathematics section, Macedonia ranked 30th, having significantly lower results than 27 countries, insignificant differences to Norway, Moldavia and Cyprus, and significantly higher achievements than 15 other countries. As relates to the level of achievements, only 1% of the children managed to reach the highest international level, 9% attained the so-called upper quarter level, 34% reached the middle level, whereas as much as 66% of participating students reached only the lowest level of ability, the so-called lower quarter level.

As regards science, Macedonia managed to rank 31st out of 45 countries, with significantly lower achievements than 25 countries, similar achievements to Romania, Serbia, Armenia and Iran, and significantly higher results than other 14 countries, with negligible differences between the subjects (Physics, Chemistry, Biology, Geography, Natural Environment).

Gender disparity in achievements reflects the overall disparity in the world: girls perform better in Biology and Chemistry, boys in Physics and Geography, with an almost equivalence in Natural Environment.

Only 2% of the children managed to reach the advanced level, 13% attained the high level, 42% reached the middle level, whereas 72% of participating students reached the lowest level of achievement.

In comparison to the TIMSS 1999, Macedonia fared significantly worse, i.e. there is significant statistical difference in student achievements.

#### ● *PISA 2000 - Programme for International Student Achievement*

This international study provides insight into the status of students at the age of 15 (completion of primary education) in three areas: reading literacy, mathematical literacy and natural science literacy. The first and only assessment was conducted in Macedonia in 2000, with the main focus in this study devoted to reading abilities. The assessment included 4736 students at the age of 15, from 88 secondary schools (of which 2 private) and three primary schools.



The percentage of Macedonian students:

- reaching level 5 (highest number of points) is 0.1% (compared to 18.7 for New Zealand, 18.5% for Finland);
- reaching level 4 is 1.8% (compared to 31.6 for Finland, 31.3% for Hong Kong);
- reaching level 3 is 11.1%;
- reaching level 2 is 24.4%;
- reaching level 1 is 28.1%;
- and not even reaching level 1 is 34.5% (compared to 0.9 for Korea, 1.7% for Finland).

Macedonia's results on the composing parts (a total of 9 tests were administered) show the same low level of achievement.

In the reading literacy test, Macedonian girls performed much better than boys, similar to Albania, Finland and Latvia, and also in Science literacy, similar to Albania, Latvia, New Zealand and Russia. Mathematics results speak in favour of boys.

#### ● *PIRLS 2001, Progress in International Reading Literacy Study*

The study was conducted in 2001, on a sample of 3800 grade 4 students (9-10 years old) from 150 schools learning in Macedonian and Albanian language of instruction. Schools were selected randomly by computer. Macedonia ranked 29 out of 36 countries, with the results being significantly lower than the first group of 27 countries, rather equivalent to those of Turkey and significantly higher than the last 6 countries (among which are Morocco and Belize). Only 3% of the children managed to reach the highest international level, 10% are located in the so-called upper quarter level, 28% reached the middle level, whereas as much as 55% of participating students reached only the lowest level of ability in reading comprehension, the so-called lower quarter level.

In the overall comparison, Macedonia falls in the group of countries where the average result of the state is significantly lower than the international average, a position which it retains almost throughout the analysis of the results, i.e. according to all aspects of the international test. As for the language of instruction, Macedonian children have scored much better than children attending instruction in the Albanian language. Gender disparity is similar to that in most countries, i.e. girls are performing better throughout the world.

Macedonia participated also in the PIRLS 2006 Assessment with no significant differences in achievements, i.e. it repeated the exact score from the 2001 assessment.

#### ● *State Matura Exam*

In the first test results for the State Matura exam<sup>51</sup>, 17,006 of students took Mother Tongue (Macedonian, Albanian and Turkish language) as a mandatory subject, of whom 8 percent failed to pass, the majority or 38.4 % passed with a grade 3<sup>52</sup>, and only 5.6 %

<sup>51</sup>Introduced with the assistance of the international community for the first time in the 2007/08 school year, with much exams conducted two years before that and preparations going on approx. since 2004.

<sup>52</sup>On the scale of 1 to 5, five being excellent and 1 being a failing grade.

<sup>53</sup> Data stated during press conference by the Bureau for Development of Education on 14th July 2008

received grade 5, with no significant difference between the languages. On the other hand, almost 30% of students passed the English language test with a grade 5, with only 5.3% of students failing the test.

The poorest results were achieved in the test of Mathematics (basic level), with 28.3% of students failing the exam and in the French language test, which was failed by 26.4% of the students who took the test. The option Advanced Level Mathematics was failed by 12 % of the students who had opted for it, with just less than 20% passing it with a grade 5 and a grade 4 each.<sup>53</sup>

We would like to draw special attention to the pass threshold; the pass threshold for mother tongue was set at 40 points out of 100, for foreign languages at 30 and for mathematics at as low as 22 points out of 100. This should be an alarm for the national authorities to start reviewing the issue of quality of education much more seriously in the future.

Although the results in a 2008 Matura examination do seem to fall outside of the reporting period and hence the Commentary, they do reflect the whole educational process of the examined cohort: as these respective children enrolled in primary education in the school year 1996/97, their education occurred precisely in the reporting period, and their results reflect the quality of education then offered. Please note this is the outcome of the first sitting period (June 2008), with the second sitting period not producing any report at all; furthermore, these results were very soon removed from the web site of the Ministry, and since then official data is neither available nor discussed and analyzed. The data makes no reference at all to the special situation of Romani students and their achievements.

## 4.2.2. Quality of education - development of respect for human rights and fundamental freedoms, and peace and tolerance education

### NATIONAL REGULATORY FRAMEWORK

One of the goals of the primary education as established with the new Law from 2008 (Article 3) is “education for mutual tolerance, cooperation, respect of diversity and basic human freedoms and rights”. Human rights education is incorporated into three subjects taught in primary school<sup>54</sup>: Life Skills (I, II and III grade), Introduction to the environment (II and III grade), and Civic Education (VII and VIII grade).

### DOCUMENT ANALYSIS FINDINGS

- The *Ombudsman's Special Information on Education of Children about their Rights and Obligation*<sup>55</sup>, following his visits to a number of primary and secondary schools concludes that children:
  - are not well informed about their rights and obligations and cannot differentiate between the two;

<sup>54</sup> Please see innovated subject curricula, Bureau for Development of Education website.

<sup>55</sup> Ombudsman of the Republic of Macedonia (2009), Information from the visits to primary and secondary schools for education of children about their rights and obligations, Skopje, p.3

- do not possess skills and knowledge for detecting and differentiating violations of rights and abuses;
- are not interested in acquiring new knowledge and skills for recognising their rights and obligations and for possible threats that could lead to violation of their rights or their abuse;
- do not know the conditions, possibilities and the institutions for protection of their rights;
- almost never address the Ombudsman or other institutions outside the school for protection of their rights.

● In the Ombudsman's Report on the Implementation of the of the Convention on the Rights of the Child (2007), on p.18, the Ombudsman further points out that the incorporation of human rights education in the educational process requires pre-service as well as in-service teacher training. He also recommends that the teaching of the human rights should start at an earlier age in preschool and should continue throughout all levels of education, adapted to the age of the children.

## CONCLUSIONS AND RECOMMENDATIONS

All of the international tests (PISA, TIMSS and PIRLS) results indicate poor performance of Macedonia's students and should have been taken seriously in the planning for quality improvements, but there is no reflection of these significant findings neither in the national policy documents nor in the Second Periodic Report. We recommend the Committee to raise the question on the future participation of the Republic of Macedonia in international tests such as PISA, TIMSS and PIRLS.

Although there is some movement in regards of including human rights education in the official curriculum, the reality shows these changes lack supporting measures such as in-service and pre-service trainings for the teachers. Also, the human rights education is viewed mostly from the aspect of primary education. This is why we believe the Committee should recommend the state to introduce human rights education to all levels of education, starting from preschool, and to reinforce the curricular reform with appropriate teacher trainings.

## 5. Children from Minorities or of Indigenous Groups: Article 30 (also addressing Quality of education - development of respect for parents and own cultural identity: Article 29)

The Committee encourages the State party to continue its efforts to ensure the equal implementation of the Convention for all children and to make every effort to ensure that the children of minorities are able to benefit fully from the Convention's principles and provisions. The Committee recommends that the State party seek technical assistance from UNICEF in this regard. (CRC/C/15/Add.118, para. 55)

### STATE REPORT

No mention is made in the *Second Periodic Report* about the way the State meets its obligation under the provisions from Articles 29 and 30. The *Second Periodic Report* makes scarce reference to Roma in its education component; the focus of comments regarding this child rights issue lies in the establishment of the Department on Protection of Rights of the Child, established in 2001 (p. 58), and the adoption of the *National Strategy* and the *National Action Plans for the Roma Decade in the Republic of Macedonia*, under which a project is implemented for inclusion of Roma children in public pre-school institutions (p.92). One positive development, namely the establishment of a Directorate for Development and Promotion of Education in the Languages of Ethnic Minorities in not even mentioned, although its operation and the fact that its directors is (or at least was for a period of time) a Roma, deserves highlighting.

### NATIONAL REGULATORY FRAMEWORK

Members of the national minorities in the Republic of Macedonia have a constitutionally and legally guaranteed right to learn their mother language. The teaching process in Macedonia is conducted in Macedonian, Albanian, Serbian and Turkish language.

Romani language was introduced as an elective subject (together with Bosnian and Vlach) with the new Concept on nine year education. The new subject started implementation in the third grade of nine year concept in the school year 2008/9.

## DOCUMENT ANALYSIS FINDINGS

### ● *Learning the mother tongue in primary school*

Analysis conducted by the Foundation Open Society Institute in May-June 2009 has shown that the introduction of the subject “Romani language and Culture” was done in hasty and incomplete manner. The findings show that the subject was not offered to all schools, and was offered with inappropriate teaching staff and without an appropriate textbook.

According to the Ministry of Education and Science website there are only 6 schools in which this subject is taught in this school year. That is about 20% of the possible schools in which the subject could be taught taking that in Macedonia there are 28 primary schools (number of schools that were involved in major projects<sup>56</sup> on education of Romani children) in which there is significant number of Romani students.

Another problem is that the subject seems to be taught without an appropriate text book. Namely, the open call for submission of textbook proposals was issued on the 10th of September 2008<sup>57</sup>, after the start of the school year and republished in May 2009 in the monthly magazine “Prosveten Rabotnik”, issue 966 while the call for publishers for the book was announced on 27th of December 2008<sup>58</sup>. It can be concluded that no textbook on Romani language was published well into the school year 2008/9. Even more, since the deadline for the second call for textbook proposals is 30th of September 2009, it is obvious that the textbooks will not be ready in time even for the next school year, taking into account the fact that it starts on 1st of September.

Furthermore, the subject is offered additionally to the number of classes necessary to obtain in the third grade since the remaining students are not obliged to take an elective subject. This imposes a further burden on the already low achieving students and was provided as the reason why the parents would not enrol their child in this class.

### ● *Respect for the child's cultural identity and enjoyment of his/her own culture*

There is little reference to this issue except for the statements, not always evidence-based, that Romani children are denied the right to learn about and practice their culture and/or that children from other ethnic groups do not benefit from learning about Roma. The 2006 FOSIM commissioned report the *Image of the Otherness among Roma: Perceptions of Roma Children on their own Identity and the Perceptions on Roma among Children from the Macedonian and Albanian communities* sheds some light on some aspects for which the State party is directly responsible, namely the content of textbooks approved by the MoES. The study reviewed 19 textbooks from all grades of primary education and all subject areas. In over 1200 texts reviewed, Roma were mentioned in only 5, (i.e. 0.4%), indicating lack of opportunities for the Roma to identify themselves and for other students to nurture acceptance. An in-depth review of the texts reveals that they strengthen the stereotypes rather than eliminate them: the Roma are presented as always at the bottom of the social ladder of acceptance, loitering and hanging around, not working or doing only hard manual labour,

<sup>56</sup>FOSIM's projects “Roma Education Program” and “Equal Educational Opportunities for Roma Children” (<http://www.soros.org.mk/default.asp?lang=eng&menuid=242>), MCIC's “Applied Education for Young Roma” (<http://www.mcic.org.mk/WB-Storage/Files/Postignuvanja%20POR%20-%20ANG.pdf>) and UNICEF's “Improving access to formal and non-formal education for Roma girls and families”

<sup>57</sup>Ministry of Education and Science, Open call for approval and publishing of textbooks for III grade (elective subjects) in nine year primary education, 10 September 2008 [http://www.mon.gov.mk/mk/konkursi\\_tenderi/775--iii-](http://www.mon.gov.mk/mk/konkursi_tenderi/775--iii-)

<sup>58</sup>Ministry of Education and Science, Open call for publishing textbooks for I, II, III grade in nine year primary education, V, VI, VII grade in eight year education and I, II, III, IV year of secondary general school (compulsory and elective subjects), IV year of secondary musical-ballet and art school), 27 December 2008 [http://www.mon.gov.mk/mk/konkursi\\_tenderi/964-2008-12-27-11-45-31](http://www.mon.gov.mk/mk/konkursi_tenderi/964-2008-12-27-11-45-31)

living in crummy dwellings; the Roma mother is a good mother because she does not work, etc. The visual representation is also inadequate, with either no pictures of Roma, or if there happens to be one, it attempts to erase the visibility of the ethnic differences and to represent the Roma (family) as fitting the desirable model.

### ● *Religious Education*

Although this issue was not raised in the Concluding Observations of the Committee, it has become a very contentious and highly politically charged issue. The changes in the *Law on Primary Education*<sup>59</sup> (Article 2) introduced religious education as an elective subject; thus, as of 2008/9 students in 5th grade of the eight year primary school (with students in the new nine-year system having reached only grade 3) are required to select one subject between the non-confessional Introduction to Religions and the five confessional subjects: Orthodox Christian Religion, Islam, Catholic Religion, Evangelical-Methodist Church or Judaism.

The concept requires that an elective subject is offered if there are at least 15 interested students from the same cohort. There is also a possibility for organizing combined classes with children from different cohorts if the number is less than 15 students, but this option was not utilised. Thus, children from minority religions that are represented in numbers less than 15 in one generation are most likely not able to study their own religion.

The majority of Roma in Macedonia are studying in primary schools in Macedonian and Albanian language and thus in environments that are predominately Orthodox (Macedonians) or Muslim (Albanians). In most of the schools the Roma are a minority, and hence no matter what their religious belief is, the Roma would have to study the religion of the majority group in the school or to take the non-confessional subject (again, only if there are more than 15 children interested in taking this subject).

The confessional education (*veronauka*) was proclaimed unconstitutional with a decision of the Constitutional Court in April 2009 due to its oppositeness to the constitutional provisions guaranteeing the secular character of the state.

### **Box 3**

Although the majority of the Roma population in the settlements targeted through the Roma Education Program is Muslim, only 9 children from 5 project schools (with Macedonian instruction) in Skopje, Kumanovo and Prilep took the subject Islam in the school year 2008/9 (as reported by the primary schools).

<sup>59</sup> Law on Changes and Amendments to the Law on Primary Education, Official Gazette No.51/2007

### CONCLUSIONS AND RECOMMENDATIONS

Little improvement has been achieved regarding education of children from minorities. The reforms and projects undertaken by the Government in this area appear to be hectic and sometimes with a more negative than positive impact. Instead of promotion of intercultural understanding, project such as the confessional education that tend to increase the differences are endorsed.

We anticipate that the Committee will consider this issue and recommend the Government to devise a clear strategy for the development of the education of minorities that will ensure the ability of each minority group to learn about their culture ant their mother language.

## 6. Special Protection Measures - Child Labour/Commercial Exploitation: Article 32

The Committee recommends that the State party collect and publish data on the incidence of child labour, both under the age of 15 and between the ages of 15 and 18. The Committee also recommends that the State party address cases of economic exploitation of children, in particular street children, including through the enforcement of primary school attendance obligations and through efforts to raise secondary school attendance. The Committee further suggests that the State party ratify International Labour Organization's Conventions No. 138, Concerning the Minimum Age for Admission to Employment (1973), and No. 182 Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (1999). (CRC/C/15/Add.118, para. 51)

### STATE REPORT

The *Second Periodic Report* makes reference to the issue of street children in the context of the issues abuse and neglect, focusing on the Day-care Centre for Children on the Street aged 4-14, opened in 2004. The Centre cared in the first year following its opening for 265 children, and educational work was conducted focusing on "...literacy, development of communication, speech, memory, concentration, hygiene treatment, and the importance of hot meals and clean clothes". No specific reference is made to the inclusion of the children in the education system. The presentation of the progress in education makes no reference to the issue.

### NATIONAL REGULATORY FRAMEWORK

The *Law on Labour Relations*<sup>60</sup> forbids employment of children under 15 except for participation in cultural, artistic, sports and advertising activities and for students over 14 taking part in working practice as part of the educational program.

However, aside from the restriction on formal employment, economic exploitation of children is not clearly defined by Law. Thus, the *Law on Child Protection*<sup>61</sup> forbids any type of psychological and physical maltreatment, punishment or any other form of inhuman treatment or abuse of children. The only specific provision for "non-formal" economic exploitation is given in the *Law on Family*<sup>62</sup> which stipulates that "forcing a child to a work that is not appropriate for the age" constitutes abuse of parental rights.

<sup>60</sup>Article 250, Law on Labor Relations, Official Gazette No. 62/2005

<sup>61</sup>Article 9, Law on Child Protection, Official Gazette No. 98/2000

<sup>62</sup>Article 90, Law on Family – Clarified text, Official Gazette No. 157/2008



### DOCUMENT ANALYSIS FINDINGS

The practice, however, shows that economic exploitation of children is not rare and in the majority of cases interferes with the child's education. One registered case (Ombudsman's annual report 2006, p.57) on which the Ombudsman reacted was the exploitation of primary school students in Strumica that were forced to work in the wine harvest.

The *National Strategy for Roma (MLSP)* mentions on page 41 child labour in the informal sector as one of the reasons for the low educational attainment of the Roma children.

The *MICS*<sup>63</sup> estimates that 6 percent of children aged 5-14 were engaged in some form of labour; of these less than 1 percent were involved in paid labour, approx. 3 percent participated in unpaid labour for someone other than a household member and 3 percent worked for a family business. Boys were reported as more likely to participate in unpaid work outside the household and for family business than girls. **Table 13** makes reference to the Roma as vulnerable to child labour.

**Table 14** presents the percentage of children classified as student labourers (children attending school involved in child labour activities) or as labourer students. In general, of the 85 percent of the children 5-14 years of age attending school, 6 percent were also involved in child labour activities. On the other hand, out of the 6 percent of the children classified as child labourers, the majority also attended school (95 percent). The data for the Roma population show a grimmer picture than those for the Macedonian population.

#### Box 4

The FOSIM Roma Education Program reports draw attention to the occurrence of seasonal work as a direct and indirect barrier to the education of Romani children. Some Romani families<sup>64</sup> (mostly from the city of Kumanovo<sup>65</sup>) in search for basic existence engage in seasonal work in other cities of Macedonia or abroad (mostly Montenegro). Because of this, their children miss out of school from several weeks up to several months. This constitutes not only child labour (since older children help the parents in the seasonal work), but also an interruption in the children's education making them prone to drop-out or repetition of the grade following the attendance gap<sup>66</sup>.

### CONCLUSIONS AND RECOMMENDATIONS

**With this shortage of data and/or scarcity of analyses that link the education system and the issue of child labour, we believe that the government should be reminded of its duty to ensure that all children attend primary and secondary school, but also of the obligation for the education system itself to design and implement specific measures to ensure monitoring of children out of school, the majority of whom are Roma. The issue of child labour as one of the major deterrents to education for Roma children deserves special attention in the Government's attempts to ensure that these obligations are met.**

<sup>63</sup>Multiple Indicator Cluster Survey 2005-2006, Republic of Macedonia, State Statistical Office, 2007

<sup>64</sup>The Multi-annual Operational Programme "Human Resources Development" 2007-2013, IPA Component IV (MoES and MLSP) states that: "Besides regular employment, work in the informal sector (small trade, informal economy, hygiene maintenance, cleaning houses), as well as seasonal labour are considered as other main sources of income for the Roma population" (p.40).

<sup>65</sup>The problem with seasonal work in Kumanovo is indicated by the directors of three primary schools in Kumanovo as well as the educational inspector in an article in the daily newspaper "Shpic" (<http://www.spic.com.mk/DesktopDefault.aspx?tabindex=0&tabid=1&EditionID=129&ArticleID=5277>)

<sup>66</sup>Also indicated in the OSI – EUMAP report, p.126

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## ANNEX 1

## TABLES INCLUDED IN THE COMMENTARY

TABLE 1 – OCCURRENCE OF PHYSICAL ABUSE IN SCHOOLS

	did respond (%)			did not respond (%)
Do teachers resort to physical abuse?	frequently	rarely, only specific teachers	never	
	5.98	28.41	62.24	3.19

**Source:** Ombudsman of the Republic of Macedonia (2007), *Посебен извештај на Народниот правобранител за присутноста на физичкото, психичкото и сексуалното малтретирање на децата во основните училишта* (Special Report of the Ombudsman on the Presence of Physical, Psychological and Sexual Abuse of Children in Primary Schools), Skopje

TABLE 2 – TYPES OF PHYSICAL ABUSE IN SCHOOLS

	did respond (%)				did not respond (%)
	71.18				
Type of physical abuse	slapping on the face (%)	hitting with a book or another object (%)	pulling the hair or ears (%)	otherwise (%)	28.82
	25.56	9.33	24.28	12.03	

**Source:** Ibid.

TABLE 3 – OCCURRENCE OF PSYCHOLOGICAL ABUSE IN SCHOOLS

	significant number of teachers resort to psychological abuse (%)	specific teachers rarely resort to psychological abuse (%)	no teachers resort to psychological abuse (%)	did not respond (%)
Psychological abuse	5.05	32.46	53.34	7.87

Source: Ibid.

TABLE 4: PERCENTAGE OF CHILDREN AGED 2-9 WITH DISABILITY REPORTED BY THEIR MOTHER OR CARETAKER ACCORDING TO THE TYPE OF DISABILITY, RM, 2005

	Macedonian	Albanian	Roma
Delay in sitting, standing or walking	0.9	1.6	1.6
Difficulty in seeing (in the daytime or at night)	0.9	1.9	2.7
Difficulty hearing	0.6	0.1	1.5
No understanding instructions	1.5	2.3	10.3
Difficulty in walking, moving arms, weakness or stiffness	1.2	1.5	1.3
Having fits, becoming rigid, losing consciousness	1.3	2.3	2.3
Not learning to do things like other children his/her age	1.3	4.6	3.4
No speaking/cannot be understood in words	1.6	3.8	3.5
Appearing mentally backward, dull or slow	0.6	3.0	3.6
Percentage of children aged 2 -9 with at least one reported disability	6.4	12.4	22.0

Source: Multiple Indicator Cluster Survey 2005-2006, Republic of Macedonia, State Statistical Office, 2007, p.110

**TABLE 5: VERTICAL PROGRESSION OF THE STUDENT COHORT ENROLLED IN 1991/9**

	1991/92	1995/96	1998/99	1999/2000	2002/2003
Students who ...	... enrolled in grade 1 of primary education	... enrolled in grade 5 of primary education	...completed primary education	... enrolled in year 1 of secondary education	... completed secondary education
#	34 406	32 866	30 389	26 614	23 851
%	100.00 %	95.52 %	88.32 %	77.35 %	69.03 %

*Source:* Government of the Republic of Macedonia (2005), Report of The Republic of Macedonia on Millennium Development Goals, Skopje, p.31

**TABLE 6: PARTICIPATION RATES OF FEMALE STUDENTS IN THE OVERALL NUMBER OF STUDENTS COMPLETING PRIMARY AND SECONDARY EDUCATION**

	Primary education		Secondary education	
	1997/98	2002/03	1997/98	2002/03
Overall	48.34%	48.27%	48.44%	48.59%
Macedonian	49.07%	48.94%	51.52%	51.17%
Albanian	49.04%	47.68%	35.98%	40.83%
Turkish	38.18%	44.55%	28.48%	41.92%
Roma	37.40%	49.92%	45.83%	34.29%
Serbs	39.78%	43.10%	42.09%	38.64%
Vlachs	38.33%	39.68%	45.83%	45.71%
Other	45.34%	45.84%	32.33%	34.28%

*Source:* Ibid.

**TABLE 7: 2005 EDUCATION INDICATORS OF ROMA STUDENTS IN MACEDONIA**

	Macedonian			Albanian			Roma		
Percentage of children aged 36-59 months currently attending organized ECD	16.9			1.5			3.5		
Percentage of children attending first grade who attended preschool program in the previous year	77.3			76.5			56.6		
Percentage of children of primary school entry age (age 7) currently attending grade 1	96.2			97.4			63.1		
Percentage of children of primary school age (7 -14 years) attending primary or secondary school (Primary School Net Attendance Ratio)	M 99.1	F 95.7	T 97.5	M 98.0	F 97.7	T 97.8	M 65.9	F 57.8	T 61.1
Percentage of children of secondary school age (15 -18 years) attending secondary school or higher (Secondary School Net Attendance Ratio)	M 63.1	F 82.4	T 73.7	M 61.4	F 50.8	T 57.4	M 15.7	F 28.4	T 39.8
Primary school completion rate	86.6			80.5			44.6		
Transition rate to secondary school	99.7			90.8			26.9		

**Source:** Multiple Indicator Cluster Survey 2005-2006, Republic of Macedonia, State Statistical Office, 2007

**TABLE 8: EDUCATION INDICATORS OF ROMA STUDENTS IN MACEDONIA**

Proportion of Roma cohort attending pre -school education (preparatory year) <sup>a</sup>	1.6%
Proportion of Roma cohort <sup>a</sup> enrolling in first grade (2003/04)	96%
Proportion of school-aged (7-15 years old) Roma in school <sup>b</sup>	70-80% (very rough estimate)
Proportion of Roma children not continuing primary education beyond the fourth grade (of those enrolled)	Around 25%
Proportion of Roma children not completing 8 years of primary education (of those enrolled)	Around 45%
Proportion of Roma among the children who are enrolled in special education school and classes <sup>b</sup>	Around 27%
Proportion of Roma primary school graduates continuing on to the secondary level <sup>a</sup>	12.8%
Proportion of enrolled Roma completing secondary education <sup>a</sup>	56%
Tertiary level enrolment of Roma cohort <sup>a</sup>	0.3%

a. Source: State Statistical Office, 2005.

b. Calculated for the respective study.

**Source:** Roma Education Fund (2007), Advancing Education of Roma in Macedonia - Country Assessment and the Roma Education Fund's Strategic Directions, Budapest, p.31

**TABLE 9: ENROLMENT RATES FOR PRIMARY EDUCATION (AGES 7–15) – BREAKDOWN BY ETHNICITY, GENDER AND AGE (2005)**

		Enrolment rate (%)		
		Majority population in close proximity to Roma	Roma	National average
Total		98	76	82
Female		99	71	82
Male		98	81	82
Breakdown by age	7	100	91	96
	8	100	86	96
	9	100	92	97
	10	100	63	99
	11	100	71	94
	12	95	85	93
	13	100	74	94
	14	100	57	72

**Source:** Open Society Institute - EU Monitoring and Advocacy Program (2007), Equal access to quality education for Roma – Macedonia, Budapest, p.31

**TABLE 10: ENROLMENT RATES FOR SECONDARY EDUCATION (AGES 16–19) – BREAKDOWN BY ETHNICITY AND GENDER (2005)**

	Enrolment rate (%)		
	Majority populati on in close proximity to Roma	Roma	National average
<b>Total</b>	<b>74</b>	<b>19</b>	<b>46</b>
<b>Female</b>	<b>74</b>	<b>13</b>	<b>46</b>
<b>Male</b>	<b>73</b>	<b>25</b>	<b>46</b>

*Source:* Ibid., p.33

**TABLE 11: DROP-OUT RATE FOR PRIMARY-SCHOOL PUPILS – BREAKDOWN BY GRADE, GENDER AND ETHNICITY (SCHOOL YEAR 2001/2002)**

Grade	Sex	Macedo nian			Roma		
		# of enrolled pupils	# of pupils dropping out	drop-our rate (M/F combined)	# of enrolled pupils	# of pupils dropping out	drop-our rate (M/F combined)
<b>1</b>	<b>M</b>	<b>7097</b>	<b>50</b>	<b>0.7</b>	<b>543</b>	<b>35</b>	<b>5.7</b>
	<b>F</b>	<b>6799</b>	<b>50</b>		<b>479</b>	<b>23</b>	
<b>2</b>	<b>M</b>	<b>7080</b>	<b>51</b>	<b>0.9</b>	<b>535</b>	<b>22</b>	<b>5.2</b>
	<b>F</b>	<b>6897</b>	<b>71</b>		<b>451</b>	<b>29</b>	
<b>3</b>	<b>M</b>	<b>7353</b>	<b>82</b>	<b>0.7</b>	<b>487</b>	<b>-</b>	<b>2.4</b>
	<b>F</b>	<b>6980</b>	<b>24</b>		<b>475</b>	<b>23</b>	



4	M	7612	62	0.6	476	-	2.9
	F	7346	25		460	27	
5	M	7983	93	0.9	563	161	25.6
	F	7265	47		430	93	
6	M	8063	33	0.4	382	49	9.4
	F	7593	25		317	17	
7	M	8384	72	0.6	311	25	9.9
	F	7799	25		274	33	
8	M	8648	103	0.7	302	7	2.6
	F	8107	12		195	6	

Source: Ibid., p. 36

**TABLE 12: PERCENTAGE OF WOMEN AGED 15-49 YEARS IN MARRIAGE OR IN UNION BEFORE THEIR 15TH BIRTHDAY; PERCENTAGE OF WOMEN AGED 20-49 YEARS IN MARRIAGE OR IN UNION BEFORE THEIR 18TH BIRTHDAY; PERCENTAGE OF WOMEN AGED 15-19 YEARS CURRENTLY MARRIED OR IN UNION, RM, 2005**

	Macedonian	Albanian	Roma
Percent married before the age of 15	0.5	0.7	11.4
Percent married before the age of 18	10.4	9.2	48.6
Percent of women 15 -19 married/in union	2.2	0.3	11.2

Source: Multiple Indicator Cluster Survey 2005-2006, Republic of Macedonia, State Statistical Office, 2007

**TABLE 13: PERCENTAGE OF CHILDREN AGED 5-14 WHO ARE INVOLVED IN CHILD LABOUR ACTIVITIES BY TYPE OF WORK, RM, 2005**

	Macedonian	Albanian	Roma
Working outside the household – paid work	0.1	0.1	1.2
Working outside the household – unpaid work	1.8	4.4	3.4
Household chores for over 28 hours / week	0.1	0.0	0.0
Working for a family business	3.5	0.9	2.0
Total child labour	4.9	5.3	6.6

*Source:* Ibid.

**TABLE 14: PERCENTAGE OF CHILDREN AGED 5-14 WHO ARE LABOURER STUDENTS AND STUDENT LABOURERS, RM, 2005**

	Macedonian	Albanian	Roma
Percentage of children in child labour	4.9	5.3	6.6
Percentage of children attending school	86.9	86.9	55.0
Percentage of child labourers who also attend school	94.7	96.9	(51.4)
Percentage of students who are also involved in child labour	5.3	6.0	6.1

*Source:* Ibid.

## ANNEX 2

### NON-GOVERNMENTAL ORGANIZATIONS CONTRIBUTING TO THIS COMMENTARY

This Commentary was prepared within the activities of the 121 Roma Education Project implemented by the Foundation Open Society Institute – Macedonia and three local NGOs: “Dendo Vas” from Skopje, “Vrama Si” from Kumanovo and “Aid for the Handicapped and the Poor” from Prilep. The project is financed by the Pestalozzi Children’s Foundation and the Foundation Open Society Institute – Macedonia.

The 121 project is in the fifth year of its implementation. This project through its activities aims to achieve access to quality education for greater number of Romani children in 4 municipalities in Macedonia; to mainstream Intercultural Education in the project and the project schools; and works on identification of the barriers to the right to education of all children in Macedonia and lobbying the state institutions.

- **THE FOUNDATION OPEN SOCIETY INSTITUTE – MACEDONIA** (FOSIM) was founded in 1992 as a foreign entity representative office, and in 1999 as a national legal entity – foundation, in accordance with the Law on Associations of Citizens and Foundations.

FOSIM committed to enhancing Macedonia's prospects for EU accession by fostering internal integration as a prerequisite. Dedicated to the promotion of and support for an open society across the program areas of education, law, public administration and local self-government, civil society, public health, information, media and economic reform, FOSIM implements a range of initiatives varying from capacity-building to policy and social advocacy projects. Responding to different needs of various target groups, especially youth, Roma and other socially marginalized groups, FOSIM cooperates with other NGOs, international institutions and donors in undertaking actions that foster sustained democracy. Accelerating Macedonia's EU accession; integration of Roma and socially marginalized groups; and decreasing the gap between youth and open society values are FOSIM's main strategic priorities for the period 2009-2011.

From its establishment in 1992, FOSIM has given high priority to the support for education and is exploring ways to increase its impact in this area. FOSIM Education Program's mission is to accelerate the process of Macedonian education's integration in the European education area by leveraging educational needs of children, youth, schools, teachers, parents, and disadvantaged groups. The core purpose of FOSIM' Education program is to: (1) provide high-quality education programs which promote open and equal access for all, and especially for disadvantaged and marginalized groups; (2) offer continuous development of

knowledge, competences and attitudes to teachers, children and youth required for establishing and sustaining democratic and open societies in the 21st century; and (3) influence national education policies in respect to the goals set in the EU overarching education policy framework.

- **THE CENTRE FOR EDUCATIONAL SUPPORT “DENDO VAS”** is working in two municipalities in Skopje, aiming to improve the conditions for education, respect of the cultural differences, integration and better quality of living of the vulnerable groups in Macedonia.

The Centre was registered in 2001 in the municipality Gjorce Petrov as a carryover of the model project for education of Romani children in the municipality Suto Orizari. Since 2008 the Centre “Dendo Vas” is again working in two municipalities Gjorce Petrov and Suto Orizari in partnership with the primary schools “Straso Pindzur” and “Braka Ramiz i Hamid”.

- **THE ASSOCIATION OF ROMA CITIZENS “VRAMA SI”** is active in lobbying and advocacy in the processes of education, health and employment, works for the realization of child rights and improving the living conditions of marginalized groups.

“Vrama Si” was established as an independent organization in January 2006, after four years of providing educational support for Roma children within the Roma Community Center “Drom” since January 2002.

The organization is located in the settlement Banevo Trlo in Kumanovo and implements their activities together with three partner primary schools “Hristijan Karpos”, “Braka Miladinovci” and “Krste Misirkov” as well as with all secondary schools in Kumanovo.

- **THE ORGANIZATION “AID FOR THE HANDICAPPED AND THE POOR”** has been established in November 1999 for the purpose of improving the educational level and meeting the educational needs of Roma children and students from the local community Trizla 2. The Roma Education Center “Romano Pro Angle” operates within the organization located within premises of the Tobacco Company from Prilep. The Center operates in partnership with the primary school “Dobre Jovanovski”.

Today this organization works on uniting the potentials and mobilizing the resources of the community for the support of children, youth and adults in the process of education, realization of human rights, promotion of child rights and developing of interethnic coexistence.

# COMMENTARY

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WITH A SPECIAL REFERENCE TO THE EDUCATION OF ROMANI CHILDREN



